

**DETAILED ACTION**

***Response to Amendment/Arguments***

1. This Office Action is in response to the Response/Amendment filed on August 4<sup>th</sup>, 2008. Claims 1-17 are now pending in the application.

***Priority***

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Drawings***

3. The corrected or substitute drawings were received on August 4<sup>th</sup>, 2008. These drawings are acceptable by the Examiner.

**EXAMINER'S AMENDMENT**

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Kenneth Fields (Reg# 52,430) on December 05, 2008.

The application has been amended as follows:

IN THE CLAIM:

The following change to the claim 17 has been approved by the examiner and agreed upon by applicant:

Claim 17 has been canceled.

***Response to Arguments***

5. Applicant's arguments, see REMARKS, pages 9-12, filed 04 August 2008, with respect to claims 1-16, specifically regarding *"the packetization part determination unit ... determining the packetization part of the media data such that playback start times of respective samples of the image data, audio data and text data that are included in the media data are made to be the same"* (as defined in the base claims 1, 10 and 16) have been fully considered and are persuasive. The 35 U.S.C. 103 rejections of claims 1-16 have been withdrawn.

***Allowable Subject Matter***

6. Claims 1-16 are allowed. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record, considered individually or in combination, fails to fairly show or suggest the claimed method, multiplexer and computer program, comprising, among other limitations, the novel and unobvious limitation of the claimed invention of base claims 1, 10, 16 and further limit with novel and unobvious limitations as following:

*“determining the packetization part of the media data such that playback start times of respective samples of the image data, audio data and text data that are included in the media data are made to be the same;”* structurally and functionally interconnected with other limitations in a manner as recited in claims 2-9 and 11-15.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri H. Phan, whose telephone number is (571) 272-3074. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Chi H. Pham can be reached on (571) 272-3179.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office, whose telephone number is (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Tri H. Phan/

Primary Examiner, Art Unit 2416

December 12, 2008